

**Amendments to the Drawings:**

The attached Replacement sheets of drawings for Figs. 1 to 3 is submitted in response to the drawing objection detailed in the Office Action. Approval and entry are respectfully requested, and withdrawal of the objections is respectfully requested.

Attachment: Three (3) Replacement Sheets

## **REMARKS**

### **I. Introduction**

Claims 17 and 18 have been added. Claims 1 to 11, and 13 to 18 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Objection to the Drawings**

The Drawings were objected to for omission of labels. Figs. 1 to 3 have been amended herein to include labels, thereby obviating the present objection. Withdrawal of the objection to the drawings is therefore respectfully requested.

### **III. Rejection of Claims 1 and 2 Under 35 U.S.C. § 102(e)**

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,275,231 ("Obradovich"). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). As explained herein, it is respectfully submitted that the Office Action does not meet this standard as to all of the features of the claims.

Claim 1 relates to a device for receiving data via radio signals in a motor vehicle and provides an input device, which, when operated once, in the event of a fault, puts the device in a state defined in a memory for playing back data received via a radio receiver and for display of which a display is provided. The Office Action asserts that Obradovich discloses these features at column 13, line 64 to column 14, line 5. The cited section of Obradovich refers generally to depression of a key (211n, 219c, or 219g) to reset/restart a system, but does not disclose, or even suggest, that when the key is operated, the key puts the device in a state **defined for playing back data**, as provided for in the context of claim 1.

Thus, Obradovich does not identically disclose, or even suggest, all of the features recited in claim 1. Accordingly, Obradovich does not anticipate claim 1.

Claim 2 depends from claim 1 and therefore includes all of the features recited in claim 1. It is therefore respectfully submitted that Obradovich does not anticipate claim 2 for at least the same reasons set forth above in support of the patentability of claim 1.

Withdrawal of this anticipation rejection is therefore respectfully requested.

#### **IV. Rejection of Claims 3 to 11, and 13 to 16 Under 35 U.S.C. § 103(a)**

Claims 3 to 11, and 13 to 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Obradovich and U.S. Patent No. 6,779,196 (“Igbinadolor”). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

To establish a *prima facie* case of obviousness, the Office Action must demonstrate three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claims 3 to 11, and 13 to 16 ultimately depend from claim 1 and are therefore patentable for the same reasons as claim 1, since Igbinadolor does not correct the critical deficiencies noted above with respect to Obradovich. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

As further regards claim 6 and its dependent claims, *i.e.*, claims 7 to 10, claim 6 recites that the input device, when operated in the event of the fault, puts the device in a state that leads to a display of selection options including a first selection option to resume data reception from a service, a second selection option to resume a service used previously, a third selection option to return to a selected portal of a service provider, and a fourth selection option to restart the device. The Office Action asserts that each of these options is disclosed or suggested by the system of Igbinadolor, or that the system of Igbinadolor “should have to have” the options. Office Action, p. 4. Even if Igbinadolor does disclose or suggest each of these options, which Applicants do not concede, the combination of Obradovich and Igbinadolor does not disclose or suggest an input device that, when operated in the event of a fault, puts a device in a state that leads to a display of these selection options. For this additional reason, it is respectfully submitted that the combination of Obradovich and Igbinadolor does not render unpatentable claim 6.

As further regards claim 11, claim 11 recites that the input device includes a pushbutton that causes various states of the device after operation for different periods of time. The Examiner refers to column 5, lines 3 to 57 of Igbinadolor as assertedly disclosing or suggesting these features. However, the cited section does not refer to operation of a button for different periods of time or causing various states after such operation. For this

additional reason, it is respectfully submitted that the combination of Obradovich and Igbinadolor does not render unpatentable claim 11.

Withdrawal of this obviousness rejection is therefore respectfully requested.

**V. New Claims 17 and 18**

Claims 17 and 18 have been added herein. It is respectfully submitted that new claims 17 and 18 do not add any new matter and is fully supported by the present application, including the Specification, e.g., at page 5, line 30 to page 6, line 2.

Claims 17 and 18 depend from claim 1. It is therefore respectfully submitted that the cited references do not render unpatentable these dependent claims for at least the same reasons set forth above in support of claim 1.

**VI. Conclusion**

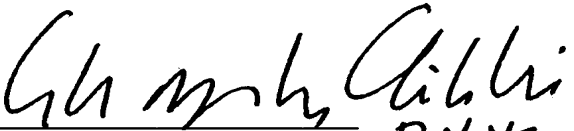
In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated:

August 23, 2007

By:

  
RN 42,194

Gerard A. Messina  
Reg. No. 35,952  
KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
CUSTOMER NO 26646